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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,822	02/05/2001	Yasuharu Oohashi	019519-289	4050

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EXAMINER


FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/775,822</p>	<p><b>Applicant(s)</b></p> <p>OOHASHI ET AL. </p>	
	<p><b>Examiner</b></p> <p>Jamal A Fox</p>	<p><b>Art Unit</b></p> <p>2664</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-5,8,9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumiko (H10-023060) in view of Nogami et al. (U.S. Patent No. 6,781,994).

Referring to claim 1, Rumiko discloses a decision-making route control system (Drawing 1) comprising: a decision making-making judging computer [0015, terminal unit and respective portions of the spec.] including monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

controlling means [0023, I/O device 10 and respective portions of the spec.] for outputting a route judged by the judging means as control information;

a route generating router [0015 and 0027, backup router] for replacing the control information with route switching information to output the route switching information;  
and

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a route propagating router [0017, master router 1 and respective portions of the spec.] having a routing table [0017, routing table 15], and executing route propagation [0022, routing processing] to a sender router based on routing information in the routing table, but fails to explicitly teach of transferring route switching information from the route generating router. However, Nogami et al. discloses a routing table with route switching information (col. 35 lines 19-24 and lines 36-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the transferring of route switching information from the route generating router of Nogami et al. to the invention of Rumiko in order to ensure the ability to send packets to any router having a higher priority among the master routers and backup routers connected to the LAN. Nogami et al. does this by processing layer 3 level data by using high speed forwarding in the layer 2 level. Furthermore, when the contents of the routing table is copied from the route generating router, the route switching information is also transferred from the route generating router because the switching information is in the routing table as suggested by Nogami et al.

Referring to claim 2, Rumiko discloses a decision-making control system according to claim 1, wherein the decision – making judging computer transfers control information generated by a network management protocol [0002, RIP] to the route generating router based on route information collected by the network management protocol and the decision elements for decision making, and the route generating router, the route propagating router, and the sender router execute route propagation based on a routing protocol.

Referring to claim 10, Rumiko discloses a decision-making route control system (Drawing 1) comprising: a decision-making judging computer including: [0015, terminal unit and respective portions of the spec.] monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

a controlling means for outputting a route judged by the judging means as control information;

a control information converting router [0015 and 0027, backup router] for replacing the control information transferred from the controlling means to output it; and

a route propagating router [0017, master router 1 and respective portions of the spec.] having a routing table [0017, routing table 15], and executing route propagation [0022, routing processing] to a sender router, but fails to explicitly teach of control information being transferred from the control information converting router and routing information in the routing table. However, Nogami et al. discloses a routing table with control information (col. 35 lines 19-24 and lines 36-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included control information being transferred from the control information converting router and routing information in the routing table of Nogami et al. to the invention of Rumiko in order to ensure the ability to send packets to any router having a higher priority among

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the master routers and backup routers connected to the LAN. Nogami et al. does this by processing layer 3 level data by using high speed forwarding in the layer 2 level. Furthermore, when the contents of the routing table is copied from the control information converting router, the control information is also transferred from the route generating router because the control information is in the routing table as suggested by Nogami et al.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumiko (H10-023060).

Referring to claim 6, Rumiko discloses a decision-making route control system (Drawing 1) comprising: a decision-making judging computer [0015, terminal unit and respective portions of the spec.] including:

monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

controlling means [0023, I/O device 10 and respective portions of the spec.] for outputting a route judged by the judging means as control information;

a route update logical network connecting router [0015 and 0027, backup router] for switching a route from a first list route side to a second route side in updating the route; and

a logical network connecting router [0017, master router 1 and respective portions of the spec.] having route information and a routing table [0017, routing table 15], and executing route propagation to a sender router by reflecting route information on the routing table based on control information transferred from the controlling means, and having a relaying function [0024, fault information section 17-2 and respective portions of the spec.], but does not explicitly teach of relaying information to a first route or a second route in compliance with a route valid/invalid situation transferred from the controlling means based on a network management protocol. However, RIP is disclosed in [0002]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included to the invention of Rumiko a route valid/invalid situation transferred from the controlling means based on a network management protocol because RIP compares routes to identify the best path to any destination, sends routing updates messages at regular intervals and when the network topology changes and prevents routing loops. Additionally, the mutual communication through the WAN is relaying the information to a first or second route because the optimal path is chosen with RIP as suggested by Rumiko [0002].

Referring to claim 7, Rumiko discloses a decision-making route control system according to claim 6, wherein the decision-making judging computer transfers control information generated by the network management protocol [0002, RIP] to the logical network connecting router in compliance with route information collected by the network management protocol and decision elements for decision making, and the logical

network connecting router, and the sender router execute route propagation based on a routing protocol.

***Allowable Subject Matter***

4. Claims 12-14 are allowed.
5. Claims 3-5, 8, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 2, 6, 7 and 10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



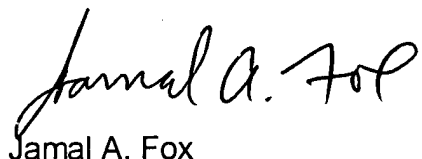
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamal A. Fox

